IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ratan Lal. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 316/2006
against the order dated 12-1-2006 passed
by the Additional Sessions Judge, Barmer,
in Criminal Revision No. 19/2003.

...

Date of Order: September 06, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

No one appears for the petitioner despite repeated calls.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 12-1-2006 passed by the Additional Sessions Judge, Barmer (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 19/2003, whereby the revision petition filed by the petitioner against the order dated 25-9-2003 passed by the Chief Judicial Magistrate, Barmer (for short, "the trial Court" hereinafter), was dismissed.

By the order dated 25-9-2003, the trial Court accepted the negative Final Report filed by the police in FIR No.

151/2001, Police Station, Kotwali, Barmer and dismissed the protest petition filed by the complainant-petitioner.

I have carefully gone through the order passed by the trial Court. By a well-reasons order, considering the statements of the witnesses recorded by the police, as also considering the protest petition, the trial Court came to the conclusion that the reasons assigned by the police for filing the negative Final Report are just and proper and finding no ground to proceed against the persons named in the FIR, the trial Court accepted the negative Final Report and dismissed the protest petition. On revision, the Revisional Court also came to the conclusion that there being no sufficient material to proceed against the persons named in the FIR and dismissed the revision petition filed by the complainant-petitioner.

Both the courts below found that there is no ground to proceed against the persons named in the FIR. In my view, both the courts below committed no error or illegality in passing the impugned orders. It cannot be said that the impugned orders would result in manifest injustice.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs